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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

SANTO LANZAFAME, in his fiduciary capacity as a Trustee for the Pointers, Cleaners & Caulkers Welfare, Pension & Annuity Funds, and as President of the Bricklayers and Allied Craftworkers Local Union No. 1, B.A.C.I.U., AFL-CIO,

04-CV-4744 (ARR)(SMG)

NOT FOR ELECTRONIC OR PRINT

PUBLICATION

X

OPINION AND ORDER

Plaintiff,

-against-

JAMISON CONTRACTORS, INC.,

Defendant.

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated May 25, 2007, from the Honorable Steven M. Gold, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at *6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. O5 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at *1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, the court finds that plaintiff is entitled to judgment against Jamison Contractors, Inc. as follows:

(1) that plaintiff be awarded delinquent contributions in the amount of \$94,409.80;¹

(2) that plaintiff be awarded interest on the delinquent contributions at the rate of 10% per

annum, beginning November 1, 2003, to be calculated by the Clerk of the Court at the time of

judgment;

(3) that plaintiff be awarded liquidated damages in an amount equal to the interest on the

delinquent contributions as calculated by the Clerk of the Court; and

(4) that plaintiff be awarded \$5,838.50 in attorney's fees and \$841.17 in costs.

In addition, the court further orders that plaintiff be awarded \$2,431.74 in unpaid dues, as

well as simple interest on this sum at the rate of 9% per annum beginning from March 1, 2004, to

the date of entry of judgment, to be calculated by the Clerk of the Court.

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

s/ Judge Allyne R. Ross

Allyne R. Ross

United States District Judge

Dated: September 18, 2007

Brooklyn, New York

¹ In response to Judge Gold's Report & Recommendation, at page 6, n.3, plaintiff served and filed an affidavit attesting to the fact that the \$94,409.80 owed in unpaid contributions accounts for and is exclusive of the \$15,000 previously received from defendant. (Dkt. Nos. 27, 28.)

SERVICE LIST:

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cc: Magistrate Judge Gold